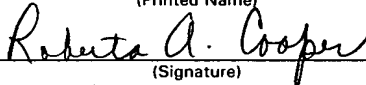




Atty. Dkt. No. 041303-0138  
Appl. Ser. No. 09/812,720

Applicant: Mellencamp, Mark W.  
Title: EQUINE HERPESVIRUS  
VACCINE  
Appl. No.: 09/812,720  
Filing Date: 03/20/2001  
Examiner: Foley, Shanon A.  
Art Unit: 1648

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.	
EL 979073430 US (Express Mail Label Number)	10/30/03 (Date of Deposit)
Roberta A. Cooper (Printed Name)	
 (Signature)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Non-fee Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

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Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

11/04/2003 HGUTEHA1 00000005 09812720

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180.00 DP

001.1515786.1

**TIMING OF THE DISCLOSURE**

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.113, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**FEE**

A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date 10/30/03

By M. Scott McBride

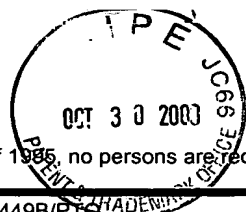
FOLEY & LARDNER

Customer Number: 26371

Telephone: (414) 297-5529

Facsimile: (414) 297-4900

M. Scott McBride  
Attorney for Applicant  
Registration No. 52,008



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Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Application Number</b>	09/812,720
Date Submitted: October 30, 2003		<b>Filing Dat</b>	03/20/2001
(use as many sheets as necessary)		<b>First Named Inventor</b>	Mark W. Mellencamp
		<b>Group Art Unit</b>	1648
		<b>Examiner Name</b>	Foley, Shanon A.
<b>Sheet</b>	1	<b>Attorney Docket Number</b>	041303-0138
	of 1		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		6,544,526		Crabb, et al.	04-08-2003	
		6,531,136		Studdert, et al.	03-11-2003	
		6,225,111		Cochran, et al.	05-01-2001	
		6,207,166		Audonnet, et al.	03-27-2001	
		6,193,983		Crabb, et al.	02-27-2001	
		6,171,592		Studdert, et al.	01-09-2001	
		6,083,511		Onions, et al.	07-04-2000	
		6,025,181		Onions, et al.	02-15-2000	

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FOREIGN PATENT DOCUMENTS							
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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
							T <sup>6</sup>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
		Turner et al., "Equine Herpes Viruses. 2. Persistence of equine herpesviruses in experimentally infected horses and the experimental induction of abortion," Aust. Vet. J. 1970 Mar; 46(3):90-8.	
		Studdert, MJ et al., "Equine Herpesviruses: on the Differentiation of Respiratory from Foetal Strains of Type 1," Aust. Vet. J. Vol. 55, October, 1979.	
		Studdert, MJ, "Restriction Endonuclease DNA Finger printing of Respiratory, Foetal and Perinatal Foal Isolates of Equine Herpesvirus Type 1," Arch. Virol. 77, 249-258 (1983).	

<b>Examiner Signature</b>		<b>Date Considered</b>	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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